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05-20-04
PATENT APPLICATION
D A C
ATTORNEY DOCKET NO. 10981967-2 I F W

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Phillip J. Kuekes, et al.

Confirmation No.: 5511

Application No.: 09/699,080

Examiner: D.A. Wille

Filing Date: Oct. 26, 2000

Group Art Unit: 2814

Title: Molecular Wire Transistor (MWT)

**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	46	MINUS	46	= 0	X \$18	\$ 0
INDEP. CLAIMS	3	MINUS	3	= 0	X \$86	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$290	\$ 0
EXTENSION FEE	1ST MONTH \$110.00	2ND MONTH \$420.00	3RD MONTH \$950.00	4TH MONTH \$1480.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EV218438565

Respectfully submitted,

Date of Deposit May 18, 2004

Phillip J. Kuekes, et al.

By David W. Allen

David W. Collins

Attorney/Agent for Applicant(s)
Req. No. 26, 857

Date: May 18, 2004

Telephone No.: (520) 399-3203



PATENT

PD-10981967-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Confirmation No.: 5511

PHILIP J. KUEKES ET AL

Serial No.: 09/699,080

Group Art Unit: 2814

Filed: October 26, 2000

Examiner: D.A. Wille

For: MOLECULAR WIRE TRANSISTOR (MWT)

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Sir:

This Petition to withdraw a holding of abandonment is being filed on information and belief, based on a telephone discussion with Examiner Wille on May 14, 2004. In seeking to discover the status of the above-identified patent application (a Status Inquiry was filed in the Patent Office on September 12, 2003, but no response thereto was ever received by Applicants), the undersigned called the Group Art Unit. Examiner Wille contacted the undersigned in response to that call and indicated that the application appeared to be abandoned, since the record failed to show receipt of a response to an Office Action mailed by the Patent Office on January 14, 2002, but also indicated that it appeared that no notice of abandonment was sent to Applicants. Applicants can confirm this, as they never received any such notice. Thus, the earliest notice of abandonment has, at best, an effective date of May 14, 2004, based on this verbal disclosure, and this Petition is being filed within two (2) months thereof.

The abandonment is apparently predicated upon the failure of the Patent Office to receive a response to the non-final rejection dated January 14, 2002, which would have been due

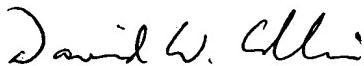
on April 14, 2002. However, Applicants in fact mailed an Amendment to the Patent Office on April 15, 2002 (April 14, 2002 being a Sunday) in response to the Office Action, as evidenced by (a) the copy of the enclosed Express Mail receipt, showing receipt in the U.S. Postal Service system on April 15, 2002, of documents related to Applicants' docket number PD-10981967-2 and (b) the copy of Applicants' return post card receipt, showing receipt of Applicants' Amendment in the Patent Office on April 15, 2002 ("OIPE Apr 15, 2002").

The M.P.E.P., §711.03(c)(I), sets forth the procedures to be followed in these circumstances. First, no fee is required of Applicants [M.P.E.P. §711.03(c)(I)]. Second, where there is disagreement as to whether the application is in fact abandoned, then the appropriate course of action is a petition under 37 CFR 1.181(a) [M.P.E.P. §711.03(c)(I)]. In this connection, Applicants had no knowledge of any abandonment, since no written notice was apparently sent to Applicants by the Patent Office and, of course, none was received. From Applicants' point of view, the application remained active, although no response to their Amendment nor to their Status Inquiry was ever received by Applicants.

In addition to the proof that Applicants actually timely submitted their Amendment, as indicated above, Applicants provide herewith a copy of the Amendment as mailed to the Patent Office on April 15, 2002.

It is respectfully submitted that the enclosed copies of the indicated documents establish that Applicants timely responded to the Office Action dated January 14, 2002. Accordingly, Applicants request a withdrawal of any holding of abandonment and, further, that prosecution in this application be resumed.

Respectfully submitted,



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May 18, 2004

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